

REMARKS

Initially, Applicant notes that the amendments and remarks made by this paper are consistent with those presented to the Examiner during the telephone call of December 14, 2007.

The Office Action mailed October 15, 2007, considered and rejected claims 1-40. Claims 1-23 and 27-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schuba et al. (US Patent Publication No.: 2004/0177139), hereinafter Schuba. Claims 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schuba and Kuznetsov et al. (US Patent Publication No.: 2006/0265689).¹

By this paper, claims 1, 5, 9, 13, 15, 18-20, 28-31, 33-35, 37-38, and 40 have been amended and no claims have been added or canceled such claims 1-40 remain pending, of which claims 1, 28, 37, and 40 are the only independent claims at issue.²

The presently claimed embodiments are directed to embodiments for a deterministic rule-based dispatch of objects to code. Claim 1, for example, recites a method for performing rule-based dispatch of a data structure to a group of methods for further processing. The dispatch is deterministic despite the existence of multiple conflicting rules regarding the dispatch of the data structure. In the method a data structure that is to be processed is accessed and, subsequent to the act of accessing the data structure, a list of rules is accessed to identify a plurality of rules that apply to the dispatch of the data structure with each of the plurality of rules specifying a different group of one or more methods to which the data structure should be dispatched. After the evaluating the list of rules, the plurality of rules are resolved to identify a single prevailing

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the claim amendments is found throughout the Specification and more particularly on pages 4 and 11 of the Application as originally filed.

rule that will be applied for the dispatch of the data structure. The data structure is then dispatched to the group of one or more methods specified by the single prevailing rule.

The remaining independent claims are closely related to claim 1. Claim 28 recites a storage media storing instructions for implementing the method of claim 1, claims 37 recites a method similar to claim 1, but using a step for rather than the specific acts of claim 1, and claim 40 recites a system capable of executing the method of claim 1.

In the rejection of the independent claims, the Office Action relies on Schuba as purportedly teaching the elements of the claim. Schuba is directed to embodiments for computing priorities between conflicting rules for network services. In Schuba, the system receives a set of network service rules that may conflict. The system then identifies the conflicts and determines a priority relationship between pairs of conflicting network rule and assigns priorities to the rules. The conflicts can then be resolved based on the assigned priorities. The system can also receive the rules in an online manner wherein the prioritization is done when new rules are received while the system is running.

Applicant respectfully disagrees that the cited art of Schuba teaches all of the elements of the present claims. Broadly speaking, one fundamental difference between the two disclosures is that Schuba is directed to embodiments for resolving conflicting rules at the time the rules are received and prioritizing the rules. In contrast, the current claimed embodiments start with a set of rules and then at the time a data structure is received, the rules are evaluated to identify those rules that apply to the dispatch of the data structure. The rules that are identified are then prioritized and single prevailing rule is applied to the dispatch structure.

Schuba fails to teach that the rule identification is being performed subsequent to receiving the data structure. The Office Action cites paragraphs [0070] – [0075] as teaching this

limitation, but the "Rule Cruncher" described in this section of Schuba is describing a technique for resolving rule conflicts at the time the rules are received, not at the time a data structure for processing is received. The rules are being evaluated based on conflicts within the rules themselves, and are not dependent on a data structure received for processing. For at least this reason, Schuba fails to fully teach the element of evaluating the list of rules subsequent to the receipt of the data structure.

Schuba fails to teach that resolving the plurality of rules is done subsequent to evaluating the list of rules. Again, Schuba is directed to resolving rule conflicts at the time the rules are received. In the context of the claims as a whole, in order for the resolving the plurality of rules to take place subsequent to the evaluation of the list of rules, the resolving of the plurality of rules would have to take place after the data structure was received. However, the disclosure of Schuba only describes situation in which the rules are prioritized before any data structure is received.

Finally, Schuba fails to teach that the resolution of the plurality of rules results in a single prevailing rule. Instead, Schuba teaches that the list of rules will be prioritized and then applied in a particular order. Schuba does not teach anywhere within the disclosure that resolving the plurality of rules will always result in a single prevailing rule.

In view of the failure of Schuba to teach at least evaluating the list of rules subsequent to receiving the data structure, resolving the rules subsequent to the evaluation of the list of rules, and resolve a single prevailing rule, Applicant respectfully submits that claims are allowable over the cited art. Additionally, Applicant respectfully submits that the other rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually

at this time.³ It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application and particularly with regard to the dependent claims.⁴ For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claims 6, 7, 9, 10, 11, 13, 14, and 15 where different techniques for receiving a single prevailing rule are described. As noted above, Schuba teaches a prioritized list, rather than a single prevailing rule and therefore does not teach these specific limitations.

For at least these reasons, Applicant respectfully submits that the pending claims are in condition for allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 14th day of January, 2008.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
JOHN C. BACOCK
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973

JCJ:ahy
AHY0000006976V001

³ The Office Action cites Kuznetsov solely as teaching the use of a SOAP envelope and XPATH statements in the dependent claims and is not directed to resolving conflicting rules. Therefore, Kuznetsov does not compensate for the failings of Schuba.

⁴ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.